

## **Remarks**

The above Amendments and these Remarks are in reply to the Office Action mailed August 10, 2004. A Petition for Extension of Time to Respond is submitted herewith, together with the appropriate fee.

Claims 1-28 were pending in the Application prior to the outstanding Office Action. Claims 15-19, 22 and 25-28 were withdrawn from consideration in previous Response A. In the current Office Action, the Examiner rejected claims 1, 2, 5, 6, 8, 9, 12, 13, 20, and 23, and objected to claims 3, 4, 7, 10, 11, 14, 21, and 24 solely as being dependent upon a rejected base claim. The present Response cancels claims 1, 2, 7-14, 20 and 23, amends claims 3, 5, 21 and 24, and adds new claims 29-39, leaving for the Examiner's present consideration claims 3, 4, 5, 6, 21, 22, 24 and 29-39. Reconsideration of the rejections is requested.

### **I. OBJECTION TO THE ABSTRACT**

The Examiner objected to the Abstract. A replacement Abstract has been submitted herewith. Withdrawal of the objection is therefore respectfully requested.

### **II. REJECTION UNDER 35 U.S.C. §103(A) OVER *AZELTON* (U.S. PAT. NO. 5,799,796) IN VIEW OF *LIDGARD* (U.S. Pat. No. 2,769,534)**

#### ***Claims 1, 2, 5, 6, 8, 9, 12, 13, 20 and 23***

The Examiner rejected Claims 1, 2, 5, 6, 8, 9, 12, 13, 20 and 23 under 35 U.S.C. §103(a) as being unpatentable over *Azelton* in view of *Lidgard*. Applicants request cancellation of claims 1, 2, 8, 9, 12, 13, 20 and 23. Applicants respectfully traverse the rejection of claims 5 and 6.

Regarding claims 5 and 6, claim 5 has been amended to depend from claim 3. Claims 5 and 6 therefore include at least the features of claim 3. *Azelton* in view of *Lidgard* fails to teach or suggest all of the features of claim 3, as implied in the Examiner's objection to claim 3 and as asserted by Applicants, thus *Azelton* in view of *Lidgard* fails to teach or suggest all of the features of claims 5 and 6. Because, *Azelton* in view of *Lidgard* fails to teach or suggest all of the features of claims 5 and 6, *Azelton* in view

of *Lidgard* cannot render claims 5 and 6 obvious under 35 U.S.C. §103(a). Accordingly, Applicants respectfully request the withdrawal of this rejection.

### **III. OBJECTIONS TO THE CLAIMS**

#### ***Claims 3, 4, 7, 10, 11, 14, 21 and 24***

Claims 3, 4, 7, 10, 11, 14, 21 and 24 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants request cancellation of claims 7, 10, 11 and 14. Claims 3, 21 and 24 have been amended to include the limitations of the base claim and intervening claims. Claims 3, 21 and 24 have been further amended to clarify the claimed invention.

Applicants assert that claims 3, 21 and 24 are novel over the prior art and that not all of the features of the claims are taught or suggested by the prior art alone or in combination. Therefore, Applicants respectfully request that claims 3, 21 and 24 be deemed allowable. Applicants assert that the clarifying amendments do not negate the patentability of the claims. Applicants assert that the clarifying amendments are not intended to narrow the scope of the claims and that application of the doctrine of equivalents should not be affected under a theory of prosecution estoppel, as defined under the Festo ruling.

Claim 4 depends from claim 3. Because claim 4 depends from claim 3 which is now believed to be allowable, claim 4 is no longer objectionable for the reasons given by the Examiner. Accordingly, Applicants respectfully request the withdrawal of this objection to claims 3, 4, 21 and 14.

### **IV. ADDITIONAL CLAIMS**

#### ***Claims 29-39***

The newly added claims are, it is submitted, allowable over the cited art.

### **V. CONCLUSION**

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is

respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, February 10, 2005.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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